

IN THE UNITED STATES DISTRICT COURT
FOR THE _____ DISTRICT OF TENNESSEE
_____ DIVISION

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DEC 17 2013

U.S. DISTRICT COURT
MID. DIST. TENN.

Richard Daniel Starling Name

Prison Id. No. 404248

_____ Name

Prison Id. No. _____

Plaintiff(s)

(List the names of all the plaintiffs
filing this lawsuit. Do not use "et
al." Attach additional sheets if
necessary.)

Civil Action No. _____
(To be assigned by the Clerk's
office. Do not write in this space.)

Jury Trial ☐ Yes ☐ No

v.

Maury Co. Jail Name

H. Deborah Wagnerschlitz Name

Defendant(s)

(List the names of all defendants
against whom you are filing this
lawsuit. Do not use "et al." Attach
additional sheets if necessary.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
FILED PURSUANT TO 42 U.S.C. § 1983

I. PREVIOUS LAWSUITS (The following information must be provided by each plaintiff.)

- A. Have you or any of the other plaintiffs in this lawsuit filed any other lawsuits in the United States District Court for the Middle District of Tennessee, or in any other federal or state court?

☒ Yes ☐ No

- B. If you checked the box marked "Yes" above, provide the following information:

1. Parties to the previous lawsuit:

Plaintiffs Richard Daniel Starling

Defendants Medical Staff at Maury Co. Jail
Maury Co. Jail - Enoch George - Sheriff

2. In what court did you file the previous lawsuit? United States District Court for the Middle District of Tennessee
(If you filed the lawsuit in federal court, provide the name of the District. If you filed the lawsuit in state court, provide the name of the state and the county.)
3. What was the case number of the previous lawsuit? 1:13-cv-00152
4. What was the Judge's name to whom the case was assigned? Chief Judge William J. Haynes, Jr
5. When did you file the previous lawsuit? Dec 10, 2013 (Provide the year, if you do not know the exact date.)
6. What was the result of the previous lawsuit? For example, was the case dismissed, appealed, or still pending? Still pending
7. When was the previous lawsuit decided by the court? pending (Provide the year, if you do not know the exact date.)
8. Did the circumstances of the prior lawsuit involve the same facts or circumstances that you are alleging in this lawsuit.
- ☐ Yes ☒ No

(If you have filed more than one prior lawsuit, list the additional lawsuit(s) on a separate sheet of paper, and provide the same information for the additional lawsuit(s).)

II. THE PLAINTIFF'S CURRENT PLACE OF CONFINEMENT (The following information must be provided by each plaintiff.)

- A. What is the name and address of the prison or jail in which you are currently incarcerated? Mauzy Co. Jail
- B. Are the facts of your lawsuit related to your present confinement?
- ☒ Yes ☐ No
- C. If you checked the box marked "No" in question II.B above, provide the name and address of the prison or jail to which the facts of this lawsuit pertain.
- _____
- D. Do the facts of your lawsuit relate to your confinement in a Tennessee State Prison?
- ☐ Yes ☒ No

If you checked the box marked "No," proceed to question II.H.

E. If you checked the box marked "Yes" in question II.D above, have you presented these facts to the prison authorities through the state grievance procedure?

☐ Yes ☐ No

F. If you checked the box marked "Yes" in question II.E above:

1. What steps did you take? _____

2. What was the response of prison authorities? _____

G. If you checked the box marked "No" in question II.E above, explain why not. I am

H. Do the facts of your lawsuit pertain to your confinement in a detention facility operated by city or county law enforcement agencies (for example, city or county jail, workhouse, etc.)?

☒ Yes ☐ No

I. If you checked the box marked "Yes" in question II.H above, have you presented these facts to the authorities who operate the detention facility?

☒ Yes ☐ No

J. If you checked the box marked "Yes" in question II.I above:

1. What steps did you take? consulted Chaplin Jeff Boag, Lt. Deborah Wagonschultz while they thought out their action, filed grievance

2. What was the response of the authorities who run the detention facility? I would not be allowed my religious literature & any further would have to be reviewed by the same staff.

L. If you checked the box marked "No" in question II.I above, explain why not. _____

Attach copies of all grievance related materials including, at a minimum, a copy of the grievance you filed on each issue raised in this complaint, the prison's or jail's response to that grievance, and the result of any appeal you took from an initial denial of your grievance.

III. PARTIES TO THIS LAWSUIT

A. Plaintiff(s) bringing this lawsuit:

1. Name of the first plaintiff: Richard Daniel Starling

Prison Id. No. of the first plaintiff: 404248

Address of the first plaintiff: Maury Co. Jail 1300 Lawson White Dr.
Columbia TN 38401

(Include the name of the institution and mailing address, including zip code.
If you change your address you must notify the Court immediately.)

2. Name of second the plaintiff: _____

Prison Id. No. of the second plaintiff: _____

Address of the second plaintiff: _____

(Include the name of the institution and mailing address, including zip code.
If you change your address you must notify the Court immediately.)

If there are more than two plaintiffs, list their names, prison identification numbers, and addresses on a separate sheet of paper.

B. Defendant(s) against whom this lawsuit is being brought:

1. Name of the first defendant: Maury Co. Jail

Place of employment of the first defendant: Maury Co. Jail
1300 Lawson White Dr. Columbia, TN 38401

The first defendant's address: 1300 Lawson White Dr.
Columbia, TN 38401

Named in official capacity? ☒ Yes ☐ No

Named in individual capacity? ☐ Yes ☒ No

2. Name of the second defendant: Lt. Deborah Wagnerschultz

Place of employment of the second defendant: Maury Co. Jail

The second defendant's address: 1300 Lawson White Dr.
Columbia, TN 38401

Named in official capacity? ☐ Yes ☒ No

Named in individual capacity? ☒ Yes ☐ No

If there are more than two defendants against whom you are bringing this lawsuit, you must list on a separate sheet of paper the name of each additional defendant, their place of employment, their address, and the capacity in which you are suing them. If you do not provide the names of such additional defendants, they will not be included in your lawsuit. If you do not provide their proper name, place of employment, and address, the Clerk will be unable to serve them should process issue.

IV. STATEMENT OF FACTS

State the relevant facts of your case as briefly as possible. Include the dates when the incidents or events occurred, where they occurred, and how each defendant was involved. Be sure to include the names of other persons involved and the dates and places of their involvement.

If you set forth more than one claim, number each claim separately and set forth each claim in a separate paragraph. Attach additional sheets, if necessary. Use 8 1/2 in. x 11 in. paper. Write on one side only, and leave a 1 in. margin on all four sides.

I wrote & informed/inquired of Chaplin Jeff Boggs that I would be receiving a Holy Book & literature from my religion "Odinism" being it is federally recognized he said that was fine as long as it was soft cover & no staples (Aug 11, 2013 I wrote him -) (I spoke to him in hall on Aug 19, 2013) (I received written response Aug 20 2013) I called my father & asked him to bring my Book of Rites called "The Temple of Wotan". My father brought it on Aug 27, 2013. My father & I was told the Chaplin would have to approve it. On Aug 28 2013 I enquired of C.O. Yommu & was told the Chaplin had passed it along to the Lt. Deborah Wagenschultz & it was out of his hands. Aug 29, 2013 I asked C.O. Robbie & C.O. Chief if they knew if I would get it. They said she was looking into it & I asked the same two C.O.'s the next day & was told she had left early. I waited until Sep 2 2013 to ask again & was told she was off that day by max tower. I asked max tower again on Sep 3 2013 & was told it was passed to Capt. Tennison & a lawyer was looking into it. On Sep 4 & asked max tower & was told Lt. Deborah would see me before she went home & then it would be the morrow. Thursday Sep 5 I went to nurse call & seen Lt. Deborah & was told she would see me later. About 4:00 PM I was called to the Chaplins office & told the jail seen Odinism as racist & would create problems. Also, the Norse Gods were mythical & not real. Chaplin Boggs made it clear it was the jail, not him denying me the book. Then asked my opinions on Jesus & I was allowed to call home & have a Bible brought up & my Holy Book picked up. Even then I had to request to attend Deborah's Witness services as I would not be allowed my Holy Book which has in it all the information I needed to know my God's in my Sect of Odinism. I felt there was no hope of getting the literature I needed so I gave up until I received mail from Odini Rite on Dec 10, 2013. In cell 234 when my mail was slid under my door, I was call "a racist mother —" by C.O. slaughter. Any attempt to embrace my religion is in vein. No response to my grievance Sep 5, 2013.

V. RELIEF REQUESTED: Specify what relief you are requesting against each defendant.

- A. Mary Co. Jail - \$25,000.00
- B. Lt. Deborah Wagenschultz - to allow Odinists to practice in Mary Co. Jail
- C. _____
- D. _____
- E. _____

F. I request a jury trial. ☒ Yes ☐ No

VI. CERTIFICATION

I (we) certify under the penalty of perjury that the foregoing complaint is true to the best of my (our) information, knowledge and belief.

Signature: Richard Starling Date: _____

Prison Id. No. 404248

Address: Maury Co Jail 1300 Lawson White Dr. Columbia, TN
38401

(Include the city, state and zip code.)

Signature: _____ Date: _____

Prison Id. No. _____

Address: _____

(Include the city, state and zip code.)

ALL PLAINTIFFS MUST SIGN AND DATE THE COMPLAINT, and provide the information listed above. If there are more than two plaintiffs, attach a separate sheet of paper with their signatures, dates, prison identification numbers, and addresses.

ALL PLAINTIFFS MUST COMPLETE, SIGN, AND DATE SEPARATE APPLICATIONS TO PROCEED IN FORMA PAUPERIS, if not paying the civil filing fee.

SUBMIT THE COMPLAINT, THE REQUIRED FILING FEE, OR APPLICATION TO PROCEED IN FORMA PAUPERIS, TOGETHER. Complaints received without the required filing fee or application to proceed *in forma pauperis* will be returned. Filing fees, or applications to proceed *in forma pauperis*, received without a complaint will be returned.

Richard Stratling
1300 Lawson White Dr
Columbia, TN 38401

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INCLERKS OFFICE

DEC 17 2013

U.S. DISTRICT COURT
MID. DIST. TENN.

Clerk, U.S. District Court
800 U.S. Courthouse

Nashville, TN 37203

Maury Co Jail
Mail Not Responsible
for Contents

